IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 821 of 2005(W)

PETITIONER:

C.K. HARIDAS, SON OF KARUNAKARAN
AGED 40 YEARS, CONTRACTOR, HARI SADANAM,
KUMBANAD POST, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT OF KERALA, SECRETARIAT BUILDING,
TRIVANDRUM.

2. THE PRINCIPAL SECRETARY, FINANCE
DEPARTMENT, SECRETARIAT BUILDING,
TRIVANDRUM.

3. THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS SUB DIVISION,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

4. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
PATHANAMTHITTA.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C) No.821 of 2005-W

Judgment

The petitioner was a Contractor, who did certain works for the respondents. Three of the bills raised under those works were remaining unpaid. So, he filed Writ Petition (C) No.29467/00. The said OP was disposed of by Ext.P1 Judgment. There was a direction in that Judgment that if the amount was not paid before 30.06.2002, the amount was liable to be paid with 12% interest from the date of filing of the OP. Notwithstanding the said direction, the petitioner submits, only the principal amount was paid to him. Hence this Writ Petition, seeking a direction to the respondents to pay 12% interest for the amounts covered by the bills which were belatedly paid to him, within a time limit. Since there is already a direction in Ext.P1 Judgment to pay interest, this second Writ Petition is not maintainable. If the direction in Ext.P1 is not obeyed within a reasonable time limit, the petitioner's remedy is to file a contempt application. (See the decision of the Division Bench of this Court in **Balakrishna Pisharady v. K.S.E.B**. (1987(2) KLT 937). Accordingly, the WP(C) is closed without prejudice to the contentions of the petitioner and his right to work out his remedies appropriately.

07.09.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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